



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 22, 2022

By ECF

Honorable Lorna G. Schofield
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Patrick Hye v. United States of America et al.*, 21 Civ. 6304 (LGS)

Dear Judge Schofield:

This Office represents the defendant United States of America (the “Government”) in the above-referenced matter. I write respectfully in response to the Court’s Order, dated July 18, 2022 (ECF No. 53), to inform the Court that the Government believes that a Rule 37 discovery conference in this matter is still necessary.

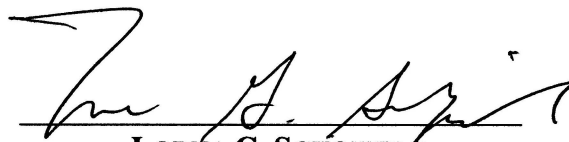
While Plaintiff provided discovery responses to the Government on July 15, 2022, the Government has informed Plaintiff that those responses were deficient. Although Plaintiff has agreed to supplement his discovery responses—particularly with respect to the computation of, and supporting documentation related to, Plaintiff’s claim for lost earnings—by sometime next week, it remains to be seen whether and when that will in fact occur. A Rule 37 discovery conference is necessary to allow the Court to impose a deadline by which Plaintiff is required to provide these discovery responses or be precluded from claiming damages for lost earnings. *See, e.g., Kennedy v. Gabryszak*, 2020 WL 3447804, at *4 (W.D.N.Y. June 24, 2020) (ordering plaintiff to “provide a computation of each category of damages claimed ... or be precluded from claiming non-disclosed damages at trial”).

In addition, Plaintiff’s delay in providing discovery responses, and various authorizations for the release of his records, means that it will be necessary to push back the Court-ordered deadlines for Plaintiff’s deposition of no later than August 15, 2022, and for his daughter’s deposition of no later than August 30, 2022. (ECF No. 48 at 3). The parties have conferred, and jointly propose that those deadlines be extended to September 15, 2022 and September 30, 2022. This is the first request for an extension of these deadlines.

Application **GRANTED**. The parties shall appear for a conference on **August 2, 2022, at 5:10 p.m.** The conference will be telephonic and will occur on the following conference line: 888-363-4749, access code: 5583333. The time of the conference is approximate, but the parties shall be prepared to begin at the scheduled time.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 41 and 51.

Dated: July 25, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Thank you for your consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for the Government

By: /s/ David E. Farber
DAVID E. FARBER
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2772
E-mail: david.farber@usdoj.gov

CC: All counsel of record (by ECF)